



**Thursday, April 8, 2021**  
**Minutes of the Regular Meeting of the City Council**  
**of the City of Palm Springs**

Pursuant to Executive Order N-29-20, by Governor Newsom, this meeting was conducted by teleconference and there was no in-person public access to the meeting location.

**CALL TO ORDER:**

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Holstege on Thursday, April 8, 2021, at 5:36 p.m.

**PLEDGE OF ALLEGIANCE:**

Mayor Holstege led the Pledge of Allegiance.

**ROLL CALL:**

**Present:** Councilmembers Grace Elena Garner, Geoff Kors, Dennis Woods; Mayor Pro Tem Lisa Middleton; and Mayor Christy Holstege

**Absent:** None.

**City Staff**

**Present:** Justin Clifton, City Manager; Jeffrey Ballinger, City Attorney; Marcus Fuller, Assistant City Manager; and Anthony J. Mejia, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

**PRESENTATIONS:**

- **COVID-19 CASE UPDATE**

Emergency Management Coordinator DeSelms presented an update on COVID-19 cases in Palm Springs and Riverside County.

- **COVID-19 WASTEWATER TREATMENT UPDATE**

Assistant City Manager Fuller presented an update on wastewater COVID-19 testing.

- **INTRODUCTION OF CITY COUNCIL INTERN**

Councilmember Garner introduced her intern, David Garcia, who will be assisting with community outreach efforts.

- **ADJOURNMENT IN MEMORY OF ROBERT IMBER, CORA CRAWFORD, JIM GROSS, AND PETER MAIETTA**

City Council honored the following Palm Springs residents who recently passed away:  
Robert Imber, Cora Crawford, Jim Gross, and Peter Maietta.

**ACCEPTANCE OF THE AGENDA:**

MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR PRO TEM MIDDLETON, CARRIED 5-0, to accept the agenda, with the removal of Item No. 5D from the agenda.

**REPORT OF CLOSED SESSION:**

The Regular Closed Session of the City Council of April 8, 2021, was called to order by Mayor Holstege at 3:00 p.m., with all members present.

The meeting convened into Closed Session to discuss the following items as listed on the Regular Closed Session Meeting Agenda:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(d)(1):

Russell Manning v. City of Palm Springs  
Case No. PSC 1704634

Joanna Connolly v. City of Palm Springs  
Case No. PSC 200408

Maria Sabordo et. al. v. City of Palm Springs  
Case No. PSC 1602732

Dave's Towing v. City of Palm Springs  
Case No. RIC1901178

CONFERENCE WITH LEGAL COUNSEL – MATTERS CREATING SIGNIFICANT EXPOSURE TO LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):

Four (4) matters that, under the existing circumstances, the City Attorney believes creates significant exposure to litigation.

CONFERENCE WITH LEGAL COUNSEL – DISCUSSION TO CONSIDER INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):

Under existing facts and circumstances, there are two (2) matters the City Council has decided or may decide to initiate litigation.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Pursuant to Government Code Section 54956.8:

Property Description: APN 677-444-010  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Luis A. Avila Paz and Maria Avila  
Under Negotiation: Price and Terms of Payment - Right-of-Way Acquisition

Property Description: 67470 Ramon Road APN 677-444-013  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Luis A. Avila Paz and Maria Avila  
Under Negotiation: Price and Terms of Payment - Right-of-Way Acquisition

Property Description: APN 680-170-053  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: United States Bureau of Indian Affairs  
Under Negotiation: Price and Terms of Payment - Right-of-Way Acquisition

Property Description: APN 681-070-037  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Indigo 3735 E. Palm Canyon Drive LLC  
Under Negotiation: Right-of-Way Acquisition - Fair Market Value

Property Description: APN 510-160-014  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Palm Canyon Farms, LLC  
Under Negotiation: Price and Terms of Payment - Right-of-Way Acquisition

Property Description: APN 681-070-013  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: United States Bureau of Indian Affairs  
Under Negotiation: Price and Terms of Payment - Right-of-Way Acquisition

Property Description: Three single family lots in the Desert Highland neighborhood with assessor parcel numbers 669-401-039, 669-353-001, and 669-401-010  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties:  
Under Negotiation: Price and Terms of Payment

Property Description:	Parking Lot Adjacent to 3735 East Palm Canyon Drive (681-070-037)
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Indigo 3735 E Palm Canyon Drive LLC, a Delaware LLC
Under Negotiation:	Price and Terms of Payment
Property Description:	Palm Canyon Wash just West of Rim Road
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Palm Canyon Farms LLC, a California LLC
Under Negotiation:	Price and Terms of Payment
Property Description:	3575 E Palm Canyon Drive, Palm Springs, California 92264 (APN 681-070-013)
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	USA - BIA
Under Negotiation:	Price and Terms of Payment
Property Description:	Dream Hotel, 450 Calle Alvarado, Palm Springs, CA 92262
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Lauri Kibby, Selene Palm Springs, LLC
Under Negotiation:	Price and Terms of Payment
Property Description:	3.6 Acres at SE corner of Indian Canyon Drive and San Rafael Road
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Community Housing Opportunities Corporation (CHOC)
Under Negotiation:	Price and Terms of Payment
Property Description:	Boulders Property (Lots 1-45 of Tract Map 31095/APNs 504-150-011 through -055); Crescendo Property (APN 504-040-046); Rimrock Property (APN 681-480-011); Gene Autry Property (APNs: 677-540-028 & 677-540-029); Block G of parcel map 36446 (APN 513-560-048)
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	
Under Negotiation:	Price and Terms of Payment

Property Description: Riverside County Assessor Parcel No. 669-330-029  
(Northwest corner of Tramview Road and Indian Canyon Drive, Palm Springs & a portion of James O. Jessie Desert Highland Park)

Agency: City of Palm Springs

City Negotiator: David H. Ready, City Manager or Designee

Negotiating Parties: Desert Community College District and Watermark Homes/ John Pavelak

Under Negotiation: Price and Terms of Payment (Sale of Property)

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6:

City Negotiator: Justin Clifton, City Manager or Designee  
Kim Hardcastle, Acting Director of Human Resources  
Bryan Reyes, Chief of Police  
Peter Brown, Attorney

Employee Organizations: Management Association of Palm Springs  
Palm Springs Firefighters Association  
Palm Springs Fire Management  
Palm Springs Police Management Association  
Palm Springs Police Officers Association  
Public Employees Association of Palm Springs  
All Unrepresented Employees

City Attorney Ballinger reported that the City Council received briefings and provided direction to staff regarding the agendaized Closed Session Items but did not take any reportable action.

**PUBLIC TESTIMONY:**

Matt Bousquette, speaking on Item 3A, suggested that the City provide loans to commercial tenants to assist with back-rent payments.

David Freedman, Chair, Desert Community Energy Advisory Committee, speaking on Item 5E, spoke on the success of the Desert Community Energy Program; recommended that DCE suspend its 100% carbon free plan for low-income customers and adopt the utility bill assistance program.

The following individuals spoke in support of Item 4B related to enacting a Community Workforce Agreement:

- Richard Markuson, Western Electrical Contractors Association
- Ana Cabral, UFCW, Local 1167
- Vanessa Ingalls, Electrician
- Joe Witcher, Union Sheetmetal Worker

The following individuals voiced concerns about Item 4B related to a Community Workforce Agreement:

- Eric Christen, Executive Director, Coalition for Fair Employment in Construction
- Russell Johnson, Associated Builders and Contractors, Southern California Chapter

The following individuals spoke in support of Item 5A, Inclusionary Housing Program:

- Maribel Nunez, Executive Director, Inland Equity Partnership
- Ginny Weissman, Executive Director, Pet Ministry Palm Springs
- Eric Lemus
- Taylor Varner, Lift to Rise
- Araceli Palafox, Deputy Director, Lift to Rise
- Edwin Ramoran

Gretchen Gutierrez, CEO, Desert Valley Builders Association, speaking on Item 5A, voiced concern that an Inclusionary Housing requirement may negatively impact the building industry in Palm Springs and urged the Board to work with her association.

#### **CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS:**

Councilmember Garner reported on a virtual walk audit for residents to discuss pedestrian safety.

Councilmember Kors announced that the Boys and Girls Club in partnership with the City was awarded a \$1 million, three-year grant for cannabis-related educational programs.

Mayor Pro Tem Middleton commended the Police Department and LGBTQ Advisory Committee for hosting a successful townhall meeting.

Councilmember Woods reported that the Coachella Valley Association of Governments will hire a consultant to review potential solutions to the frequent closure of Indian Canyon Drive.

Mayor Holstege reported on her attendance at various meetings; requested that the City Attorney provide an update regarding the Forever Marilyn statue lawsuit.

City Attorney Ballinger advised that the Court issued a tentative ruling on the preliminary injunction in favor of the City.

**1. CONSENT CALENDAR:**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to approve the consent calendar.

**A. APPROVAL OF MINUTES**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to approve the City Council Meeting Minutes of February 11 and February 25, 2021, as revised.

**B. LETTER OF SUPPORT FOR ASSEMBLY BILL 550, VEHICLES: SPEED SAFETY SYSTEM PILOT PROGRAM**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to authorize the issuance of a letter of support to the author(s) of Assembly Bill 550, Vehicles: Speed Safety System Pilot Program.

**C. APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to:

1. Appoint Patrick Basile to the Administrative Appeals Board for a term ending June 30, 2024.
2. Reappoint Donna Shepherd and appoint David Vignolo and Oliver Cleary to the Human Rights Commission for terms ending June 30, 2023.
3. Reappoint Deiter Crawford and Jody Diaz and appoint John Miraglia to the Parks and Recreation Commission for terms ending June 30, 2023, and June 30, 2024, respectively.
4. Reappoint Patricia Breslin, Jeffrey Clarkson, and Robert Hedrick, to the Palm Springs International Airport Commission for terms ending June 30, 2023.
5. Reappoint Tracy Merrigan and Russell Pritchard to the Public Arts Commission for terms ending June 30, 2023.
6. Reappoint David Freedman, Carl Baker, and Greg Gauthier and appoint Jake Torrens and Alex Ocanas to the Sustainability Commission for terms ending June 30, 2022 and June 30, 2023, respectively.
7. Reappoint Juliette Montante (retail) and appoint David Anderson (at-large) to the VillageFest Board for terms ending June 30, 2023.

**D. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING PORTIONS OF CHAPTER 91, CHAPTER 92, CHAPTER 93, AND CHAPTER 94 OF THE PALM SPRINGS ZONING CODE, AND AMENDING SECTION 9.63.080 OF THE PALM SPRINGS MUNICIPAL CODE TO ADOPT REVISIONS TO THE ARCHITECTURAL REVIEW PROCESS AND ASSOCIATED ENTITLEMENT PROCESSES**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Ordinance No. 2042 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 91, CHAPTER 92, CHAPTER 93, AND CHAPTER 94 OF THE PALM SPRINGS ZONING CODE, AND AMENDING SECTION 9.63.080 OF THE PALM SPRINGS MUNICIPAL CODE TO ADOPT REVISIONS TO THE ARCHITECTURAL REVIEW PROCESS AND ASSOCIATED ENTITLEMENT PROCESSES."

**E. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 28, 2021**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to receive and file the Treasurer's Investment Report as of February 28, 2021.

**F. APPROVAL OF A NOTICE TO PROCEED TO VEOLIA WATER WEST OPERATING SERVICES, INC. IN THE AMOUNT OF \$82,315 FOR DESIGN OF A BLOCK WALL AND ELECTRICAL RELOCATION SERVICES FOR THE WWTP BLOCK WALL, CITY PROJECT NO. 21-11**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to:

1. Authorize the City Engineer to issue a Notice to Proceed to Veolia Water West Operating Services Inc. in an amount not to exceed \$82,315 for the design of a block wall and electrical relocation services for the WWTP Block Wall, City Project No. 21-11.
2. Authorize the City Manager to execute all necessary documents.



**G. ACCEPTANCE OF THE EAST PALM CANYON DRIVE PEDESTRIAN SAFETY IMPROVEMENTS, CITY PROJECT NO. 17-09**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to:

1. Accept the public works improvement identified as the East Palm Canyon Drive Pedestrian Safety Improvements, City Project No. 17-09, as completed in accordance with the plans and specifications.
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the East Palm Canyon Drive Pedestrian Safety Improvements, City Project No. 17-09.

**H. APPROVAL OF THE FISCAL YEAR 2021/2022 CSA 152 SPECIAL ASSESSMENT RATE**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Resolution No. 24877 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL BY ARTIST FELIPE BAEZA ON THE SOUTHERLY WALL ADJACENT OF AN ACCESSORY STRUCTURE AT 201 NORTH PALM CANYON DRIVE (CASE 21-001 MUR)."

**I. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Resolution No. 24878 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS/DISBURSEMENTS FOR THE PERIOD ENDING 03-20-21 TOTALING \$1,594,455.28 AND ACCOUNTS PAYABLE WARRANTS DATED 03-18-21 TOTALING \$4,035,476.52, IN THE AGGREGATE AMOUNT OF \$5,629,931.80, DRAWN ON BANK OF AMERICA."

**J. RESOLUTION TO AMEND MASTER BAIL SCHEDULE TO SET FINE AMOUNTS FOR VIOLATIONS OF PALM SPRINGS MUNICIPAL CODE 6.04.290 - COMMERCIAL SOLID WASTE AND ORGANIC WASTE RECYCLING FOR BUSINESSES AND MULTI-FAMILY DWELLINGS**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Resolution No. 24875 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE MASTER BAIL SCHEDULE FOR VIOLATIONS OF PALM SPRINGS MUNICIPAL CODE SECTION 6.04.290."

**K. AWARD A CONSTRUCTION CONTRACT TO CORA CONSTRUCTORS INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$1,117,600 AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED \$162,090 TO VEOLIA WATER WEST OPERATING SERVICES FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE BIOSOLIDS HANDLING AREA, CITY PROJECT 20-15**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to:

1. Award a construction contract to Cora Constructors Inc., a California corporation, in the amount of \$1,117,600 for the Biosolids Handling Area, City Project 20-15. **A8760**
2. Delegate authority to the City Manager to approve and execute construction contract change orders up to \$111,760 with all change orders reported to the City Council.
3. Authorize a Purchase Order to Veolia Water West Operating Services Inc., pursuant to Agreement No. 6804, in an amount not to exceed \$162,090 for construction management, inspection and material testing services for the Biosolids Handling Area, City Project 20-15.
4. Authorize the City Manager to execute all necessary documents.

**L. LETTER CALLING FOR THE STATE TO TAX-EXEMPT LOCAL GOVERNMENT COVID-19 RELIEF PAYMENTS TO RESIDENTS AND BUSINESSES**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to authorize the issuance of a letter to the Governor and local state representatives calling for immediate action to tax-exempt local government COVID-19 relief payments paid to residents and businesses.

**M. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 8 TRAFFIC SIGNAL MODIFICATIONS, FEDERAL-AID PROJECT NO. HSIPLN-5282(047) CITY PROJECT NO. 16-18 AND INSTALLATION OF A FLASHING BEACON, FEDERAL-AID PROJECT NO. HSIPL-5282(048), CITY PROJECT NO. 16-19**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to approve the plans, specifications, and estimate; and authorize Staff to advertise and solicit bids for HSIP Cycle 8 Traffic Signal Modifications, Federal-Aid Project No. HSIPLN-5282(047), City Project No. 16-18 and HSIP Cycle 8 Flashing Beacon, Federal-Aid Project No. HSIPL-5282(048), City Project No. 16-19.

**N. APPROVE AGREEMENT FOR HOUSING CONSULTANT SERVICES LESAR DEVELOPMENT CONSULTANTS**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to:

1. Authorize the City Manager to execute a Contract Service Agreement with LeSar Development Consultants for an amount not to exceed \$110,000 annually for up to four years. **A8761**
2. Authorize the City Manager or his designee to execute all necessary documents.

**O. PALM SPRINGS COVID-19 SMALL BUSINESS ASSISTANCE PROGRAM UPDATE**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to approve businesses identified in the staff report for participation in the COVID-19 Small Business Assistance Program.

**P. APPROVAL OF A CONTRACT SERVICES AGREEMENT WITH SO CAL LAND MAINTENANCE, INC., A CALIFORNIA CORPORATION, FOR ROADSIDE AND TRANSIENT MAINTENANCE SERVICES**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to:

1. Approve a Contract Services Agreement with So Cal Land Maintenance, Inc., a California corporation, at an annual cost of \$222,687 for an initial term through June 30, 2024, with two one-year optional extensions.
2. Authorize the City Manager to execute all necessary documents.

**2. PUBLIC HEARINGS: None.**

**3. LEGISLATIVE:****A. URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON EVICTIONS FOR COMMERCIAL TENANCIES**

City Attorney Ballinger presented the staff report and responded to City Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR HOLSTEGE, CARRIED 5-0, to adopt Urgency Ordinance No. 2043 entitled, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA, AMENDING THE CITY'S TEMPORARY MORATORIUM ON EVICTIONS FOR NON-RESIDENTIAL TENANCIES RESULTING FROM NONPAYMENT OF RENT WHEN SUCH NONPAYMENT WAS CAUSED BY THE COVID-19 PANDEMIC, AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY (four-fifths (4/5) vote required)," with the following amendments:

- a. Require tenant to pay a minimum of 10% of the total back rent in monthly installments.
- b. Clarify the definition of writing to include any written form of communication that has been used between parties.
- c. Clarify that a landlord must give notice summarizing the requirements of the ordinance and that a tenant must notify landlord within seven days following the rent due date of their inability to pay.

**B. PROPOSED INTRODUCTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTIONS 10.04.035, 10.04.040 AND 10.24.045 ESTABLISHING RESPONSIBLE BREEDING REGULATIONS AND PENALTIES FOR VIOLATION OF THE REGULATIONS**

Assistant City Manager Marcus Fuller presented the staff report. In response to City Council inquiry, Mr. Fuller advised that the Friends of the Animal Shelter will take the lead role in implementation and administration of the new permit program.

The City Council expressed gratitude to Councilmember Garner for working with stakeholders to develop the proposed ordinance.

MOTION BY MAYOR PRO TEM MIDDLETON, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to introduce Ordinance No. 2043 entitled, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 10.04 AND 10.24 OF THE PALM SPRINGS MUNICIPAL CODE ADDING REGULATIONS FOR BREEDING PERMITS."

**4. UNFINISHED BUSINESS:****A. DISCUSSION OF PROGRESS AND PLANS FOR COMPLYING WITH STATE REGULATIONS IMPLEMENTING SENATE BILL 1383 SHORT-LIVED CLIMATE POLLUTANTS: ORGANIC WASTE METHANE EMISSIONS REDUCTIONS**

Sustainability Manager Tallarico and Chris Cunningham, of Palm Springs Disposal Services, narrated a PowerPoint presentation and responded to City Council inquiries.

Councilmember Garner stressed the importance of a robust community outreach program.

Following discussion, Councilmember Kors and Mayor Holstege volunteered to serve as City Council liaisons for implementation of Senate Bill 1383.

**B. DISCUSSION AND POSSIBLE APPROVAL OF A COMMUNITY WORKFORCE AGREEMENT BY AND BETWEEN THE CITY OF PALM SPRINGS AND SAN BERNARDINO/RIVERSIDE COUNTIES BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO AND THE SIGNATORY CRAFT COUNCILS AND UNIONS**

City Attorney Ballinger presented the staff report and responded to City Council inquiries.

Bill Perez and Jimmy Elron, Trades Council representatives, spoke about the need for standardization in Community Workforce Agreements (CWA). In response to City Council inquiries, Mr. Perez and Mr. Elron voiced objection to exempting local contractors from the CWA, asserting that the CWA will result in projects being delivered on-time and on-budget.

**MEETING RECESS**

Due to technical difficulties, the City Council recessed at 8:07 p.m. and reconvened at 8:25 p.m. with all members present.

Mr. Perez and Mr. Elron proceeded with responding to City Council inquiries related to the benefits of enacting a Community Workforce Agreement; stressed the importance of standardizing the CWA; reported on their outreach efforts relative to the apprenticeship programs; stated that non-union workers are not required to pay union dues as a condition of working under covered projects.

Councilmember Garner voiced concerns there are no benchmarks or guarantees that the CWA will result in a more diversified workforce.

Councilmember Kors recommended that provision related to employment of city residents be amended to prioritize zip codes within Palm Springs followed by zip codes in the Coachella Valley; expressed concern regarding the provision for monetary damages. Mr. Perez advised they will consider replacing monetary damages with a provision for the prevailing party's attorney fees.

In response to City Council inquiry, City Attorney Ballinger advised that the City retains the right to rebid a project if bids are non-responsive or if bid prices are at an unacceptable level.

During the course of discussion, the City Council agreed to continue the matter to May 6, 2021, to allow staff and the Trade Unions to finalize details related to:

- Modifying “Employment of City Residents” to give first priority to zip codes within Palm Springs, followed by zip codes within the Coachella Valley.
- Eliminate the right to monetary damages and instead include a provision for the prevailing party’s attorney fees.
- Benchmark and monitor the diversity of the workforce.
- Review and clarify the core hiring ratio requirements.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to continue the matter to the City Council meeting of May 6, 2021.

## **5. NEW BUSINESS:**

### **A. INCLUSIONARY HOUSING PROGRAM**

The City Council did not discuss this matter.

### **B. CONSIDERATION AND ADOPTION OF REVISIONS TO THE CITY'S INVESTMENT POLICY**

Director of Finance & Treasurer Pauley narrated a PowerPoint presentation and responded to City Council inquiries.

Following discussion, MOTION BY MAYOR PRO TEM MIDDLETON, SECOND BY MAYOR HOLSTEGE, CARRIED 5-0, to:

1. Adopt Resolution No. 24876 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS AND SUPERSEDING RESOLUTION NO. 24438," and delegating the City Council's authority to invest and reinvest public funds, and to sell or exchange securities so purchased, to the City Treasurer for one year or until earlier revoked by the City Council.
2. Direct staff to agendize discussion regarding socially responsible investments.

**C. U.S. HOUSE OF REPRESENTATIVES REQUESTS FOR COMMUNITY PROJECTS SUBMISSIONS AS PART OF THE FEDERAL FISCAL YEAR 2022 BUDGET PROCESS**

Assistant City Manager Fuller presented the staff report and responded to City Council inquiries.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24784 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING THE SUBMITTAL OF A COMMUNITY FUNDING REQUEST FOR CALIFORNIA DISTRICT 36 (RUIZ) IN THE AMOUNT OF \$1,000,000 FOR ACQUISITION OF A 3 ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF EL CIELO ROAD AND BARISTO ROAD TO DEVELOP FOR AFFORDABLE HOUSING AND RELATED PURPOSES."

**D. DISCUSS PUBLIC ARTS COMMISSION REQUEST TO AMEND CHAPTER 5.81 RELATING TO ART MURALS ON PRIVATE PROPERTY**

This item was removed from the agenda.

**E. REQUEST FOR COUNCIL INPUT ON DESERT COMMUNITY ENERGY OPTIONS FOR LOW-INCOME CUSTOMERS AND CARBON FREE PRODUCT**

Katie Barrows, Desert Community Energy, narrated a PowerPoint presentation and responded to City Council inquiries.

In response to City Council inquiries, Councilmember Kors advised that DCE's outreach efforts resulted in an increase of customers signing up for the California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA); advised that the DCE Board will consider whether additional outreach efforts are needed to ensure customers are aware of the rate options and CARE and FERA programs.

During the course of discussion, the City Council agreed that DCE should: 1) transition California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) customers to the Desert Saver rate, 2) move forward with the Bill Assistance Program, and 3) modify the Carbon Free environmental goals as outlined in the staff report.

**CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:**

Councilmember Kors requested that staff agendaize consideration of supporting Assembly Bill 1400; requested that staff agendaize Board and Commission meeting minutes for receive and file on a monthly basis; requested that staff agendaize discussion regarding the restaurant parklets and outdoor merchandise displays.

Councilmember Garner requested that staff agendaize discussion regarding the City's Noise Ordinance prior to June 2021 and requested that staff schedule a City Council Goal Setting/Vision Setting session.

Councilmember Woods requested that staff include consideration of instituting an annual dinner for Boards and Commission or a rotating presentation at City Council meetings as part of the study session on Boards and Commissions.

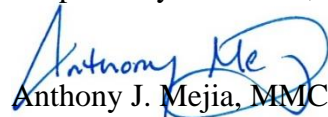
Mayor Holstege requested that staff agendaize the naming of the dog park after retired City Manager David H. Ready and noted that a business owner has requested that the City Council consider expanding the categories for the City's business assistance program, noting that the Business Task Force will consider the request.

City Manager Clifton spoke about an opportunity to visit with staff relative to agenda development and organizing a long-term calendar; noted his desire to participate in future goal setting sessions and addressed the need to discuss how items are prioritized on City Council agendas.

**ADJOURNMENT:**

The City Council adjourned at 11:47 p.m., in memory of Robert Imber, Cora Crawford, Jim Gross, and Peter Maietta.

Respectfully submitted,

  
Anthony J. Mejia, MMC  
City Clerk

APPROVED BY CITY COUNCIL: 09/09/2021